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MIDDLETON & REUTLINGER 2500 BROWN & WILLIAMSON TOWER LOUISVILLE, KY 40202			WANG, QUAN ZHEN	
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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/024,095

Applicant(s)

MIER-LANGNER ET AL.

Examiner

Quan-Zhen Wang

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/11/02, 6/18/03, 4/14/04</u>   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION*****Drawings***

1. The drawings are objected to because elements in figures need to be labeled with descriptive text in addition to the numbers. Many of different elements in the figures are currently represented by similar boxes and circles. In order to clearly present the claimed invention, descriptive texts are necessary for the boxes and circles in the figures.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1, 4, 5, 10-11, 13-14, 18, 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "wherein said at least one track control module **may be** individually selected from programming ...", the phrase "may be" renders the claim indefinite because it is not clear whether the limitation follows "may be" is part of the claim or not. The phrase "may be" means "perhaps", "not certain".

Claim 4 recites "The addressable system for ... electrically connected to said lamp, said infrared receiver and said visual light receiving sensor further comprises storage memory capable of storing ..." in lines 1-5 of the claim. The claim language is not clear.

Claim 5 reads "The addressable system for light fixtures of claim 4 wherein said repeater module **further a carrier comprises** a line signal transmitter for communicating signals received from said remote control through said electrical tracks" in line 2 of the claim. The claim is not clear.

Claim 10 recites the limitation "... wherein each of said plurality of control modules may be visually selected by ..." in line 8 of the claim. The phrase "may be" renders the claim indefinite because it is not clear whether the limitation

Art Unit: 2633

follows “may be” is part of the claim of not. The phrase “may be” means “perhaps”, “not certain”.

Claim 10 recites the limitations “a command receiving sensor” and “a command transmitter” in lines 3-4 and line 6, respectively. There are insufficient antecedents basis for these limitations in the claim.

Claim 11 recites the limitation “... said plurality of control modules may be programmed for ...” in lines 1-2 of the claim. The phrase “may be” renders the claim indefinite because it is not clear whether the limitation follows “may be” is part of the claim of not. The phrase “may be” means “perhaps”, “not certain”.

Claim 13 recites “The system of claim 12 wherein said plurality of control modules, remote control and said repeater module further comprise electronics and instructions for: ...” in lines 1-2 of the claim. The claim language is not clear.

Claim 14 recites “... address definition may be visually selected ...” in lines 2-3 of the claim. The phrase “may be” renders the claim indefinite because it is not clear whether the limitation follows “may be” is part of the claim of not. The phrase “may be” means “perhaps”, “not certain”.

Claim 18 recites the limitations “a command transmitter” and “a command input sensor” in line 2 and lines 3-4, respectively. There are insufficient antecedents basis for these limitations in the claim.

Claim 23 recites “... control modules may be modified” in line 2 of the claim. The phrase “may be” renders the claim indefinite because it is not clear whether the limitation follows “may be” is part of the claim of not. The phrase “may be” means “perhaps”, “not certain”.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 8-9, 15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bansbach et al. (DE 37 19384 A1) in view of Mullaly et al. (U.S. Patent US 6,567,032 B1).

Regarding claim 1, as it is understood in view of the above 112 problem, Bansbach teaches an addressable system for light fixtures (fig. 1), comprising: at least one track control module (fig. 1, 1 and 2), the track control module having a lamp (fig. 1, 1), an infrared receiver (fig. 1, 2; fig. 9, 5); the control module electronics electronically connected to the lamp (fig. 1); a remote control unit (fig. 1, 4) having an infrared transmitter (fig. 9, 4), the remote control unit operable to communicate with the at least one track control module; a track repeater module (fig. 1, 3 and 5) in electrical communication with the at least one track control module (fig. 2, 8), wherein the track control modules can be individually selected for programming by the remote control unit (column 3, lines 58-68 and column 4, lines 1-6).

Bansbach differs from the claimed invention in that Bansbach does not specifically teach that the track control module having a visual light receiving

Art Unit: 2633

sensor, a visual programming indicating interface; the remote control unit having a visual light transmitter; and wherein the at least one track control module can be individually selected for programming by the remote control unit through the visual light transmitter and the visual light receiving sensor.

However, Mullaly teaches a method of directing communication between addressable electrical devices (fig. 1), including a lighting device (fig. 1, 10 and 18), using a remote controller. Mullaly further teaches the control module connected to the electrical devices having a visible light receiving sensor (fig. 3(b), 93) in addition to a RF receiver (fig. 3(b), 96), a visual programming indicating interface (column 4, lines 43-47); the remote control unit having a visible light transmitter (fig. 2(b), 64 "optical transmitter". Even though Mullaly does not explicitly teach that the "optical transmitter" is a visible light transmitter, but Mullaly teaches that the remote controller is a "pointing device, or pointer", see column 7, lines 28-30, this teaching strongly suggests that the optical transmitter is a visible light transmitter). Mullaly further teaches that the control modules can be individually selected for programming by the remote control unit through the visual light transmitter and the visual light receiving sensor (column 4, lines 56-60).

Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to incorporate the visible light transmitter and receiver as taught by Mullaly into the remote control and the track control module of the an addressable system for light fixtures taught by

Art Unit: 2633

Bansbach, respectively, in order to make the remote control method easier and more intuitive.

Regarding claim 2, Bansbach further teaches that the at least track control module (fig. 1, 1 and 2) is communicably connected to the remote control unit (fig. 1, 4) through the infrared transmitter using the infrared receiver (Bansbach, fig. 1, 2; fig. 9, 5) on the track control module in the modified system.

Regarding claim 3, The modified system by Bansbach and Mullaly differs from the claimed invention in that Bansbach and Mullaly do not specifically teach that the system for light fixture further comprising a plurality of electrical light fixture tracks in electrical communication with each other. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a plurality of light fixture tracks in electrical communication with each other since it has held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 4, as it is understood in view of the above 112 problem, Bansbach further teaches that the track control module comprises storage memory (column 3, lines 58-63, fig. 9, 2) is capable of storing electrical data. Therefore the memory is inherently capable of storing a plurality of lamp brightness settings for the lamp on the track control module.

Regarding claim 5, as it is understood in view of the above 112 problem, Bansbach further teaches the track repeater (fig. 1, 3 and 5) comprises a line



Art Unit: 2633

signal transmitter (fig. 4, 3) for communicating signals received from the remote control (fig. 1, 4) through the electrical track (fig. 2, 8).

Regarding claims 8, Bansbach further teaches that repeater module and the plurality of track control modules having electronics and instructions located thereon (fig. 9, 30) for: placing each of the plurality of track control modules in programming mode; setting simultaneously a lamp brightness level for each lamp on each of the plurality of track control modules through the track repeater module (column 4, line 7-14); programming the lamp brightness level in the storage memory of each of the plurality of track control modules (column 4, lines 1-14).

Regarding claim 9, Bansbach further teaches to transmit commands to each of the plurality of track control module through the electrical communication, the command is inherently indicative of the lamp brightness level (figs. 1, 2, and 4; column 4, lines 7-14).

Regarding claim 15, Bansbach teaches an addressable system for light fixtures (fig. 1), comprising: a plurality of control modules (fig. 1, 1 and 2), each of the control module having a lamp (fig. 1, 1), memory (fig. 9, 2), a microprocessor (fig. 9, 2), an infrared receiver (fig. 1, 2); a remote control unit (fig. 1, 4) having an infrared transmitter, wherein for each of the plurality control modules, the microprocessor is connected to the memory (fig. 9, 2) and is operative to receive address instructions from the remote control (fig. 9, 5) to address each of the control module with a predefined address (inherent); adjust the lamp for a desired lamp brightness setting (column 4, lines 7-14); store lamp brightness

Art Unit: 2633

data representative of the lamp brightness in the memory on command from the remote control (column 3, lines 58-63, column 4, lines 7-14); associate the lamp brightness data in the memory with a predefined identifier (inherent).

Bansbach differs from the claimed invention in that Bansbach does not specifically teach that the track control module having a laser light sensor; the remote control unit having a laser light transmitter; to activate programming of the memory in a control module by selection of the control module using the laser light emitter on the remote control.

However, Mullaly teaches a method of directing communication between addressable electrical devices (fig. 1), including a lighting device (fig. 1, 10 and 18), using a remote controller. Mullaly further teaches the control module connected to the electrical devices having a laser light sensor (fig. 3(b), 93), a visual programming indicating interface (column 4, lines 43-47); the remote control unit having a laser light transmitter (fig. 2(b); column 9, lines 30-32).

Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to incorporate the laser light transmitter and receiver as taught by Mullaly into the remote control and the track control module of an addressable system for light fixtures taught by Bansbach, respectively, in order to make the remote control method easier and more intuitive.

Regarding claim 16, Bansbach further teaches the system comprising a repeater module (fig. 1, 3 and 5) in electrical communication (fig. 2, 8) with the plurality of control modules (fig. 1, 1 and 2), a command able to transmit

Art Unit: 2633

electronic commands through the electrical communication (fig. 2, 8) to the plurality control modules, and the repeater module having an IR sensor (fig. 1, 5). Bansbach differs from the claimed invention in that Bansbach does not specifically teach that the repeater module having a laser light sensor, a microprocessor, memory storage. However, Mullaly teaches a related system including a light control module having a laser light receiver (fig. 3(b), 93), a microprocessor (fig. 3(b), 92), memory storage (fig. 3(b), 94). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to incorporate the receiving system as taught by Mullaly into the repeater module in the system for light fixtures taught by Bansbach in order to make the remote control method easier and more intuitive.

Regarding claim 17, the modified system by Bansbach and Mullaly further teaches that the repeater module is operative to: receive the laser signal from the remote control (Mullaly, fig. 3(b), 93), transmit the electric commands to be selected by the laser light on the remote control to each of the plurality control module (Bansbach, fig. 1, 1 and 2), simultaneously adjust the lamp brightness settings on the lamps for each of the plurality of control modules in response to the commands to the repeater module (Bansbach, fig. 2); activate programming of the memory on each of the plurality of control modules in response to the commands to the repeater module from the remote control, store said lamp brightness data settings in the memory in response to the commands to the repeater module from the remote control in each of the plurality of control modules (Mullaly, fig. 3(b), 94); associate the lamp brightness data in the

Art Unit: 2633

memory of each of the plurality of control modules having the predefined address (Mullaly, fig. 5).

Regarding claim 18, as it is understood in view of the above 112 problem, Bansbach teaches an addressable system for light fixtures (fig. 1), comprising: a remote control having a command transmitter (fig. 1, 4); a plurality of control module (fig. 1, 1 and 2), each of the control modules having a command input sensor (fig. 1, 1 and 2; fig. 9, 5), a microprocessor operably connected to the command sensor (fig. 9, 2), storage memory (fig. 9, 2), and lamp (fig. 1, 1); each of the lamp control modules in electrical connection to a power supply source (inherent), each of the lamp control modules having instructions for the microprocessor operable to: allow each of the lamp control modules to be selected into a programming mode (column 2, lines 36-45; column 3, lines 64-68, and column 4, 1-6), adjust the brightness (column 4, lines 7-14) of the lamp by sending commands through the command transmitter of the remote control to the command input sensor (fig. 9, 5); store the lamp setting values in the storage memory locations in the lamp control module (column 3, lines 58-68, and column 4, 1-6).

Bansbach differs from the claimed invention in that Bansbach does not specifically teach that the remote control having a visible laser light transmitter; the track control module having a light sensor, the microprocessor operably connected to the light sensor; and the lamp control module is selected into a programming mode by the remote control using the laser transmitter.

Art Unit: 2633

However, Mullaly teaches a method of directing communication between addressable electrical devices (fig. 1), including a lighting device (fig. 1, 10 and 18), using a remote controller. Mullaly further teaches a remote control unit having a command transmitter (fig. 2, (b), 66) and a visible laser light transmitter (fig. 2(b), 64, column 9, 30-32); the control module connected to the electrical devices having a command receiver (fig. 3(b), 96), a light receiving sensor (fig. 3(b), 93); and the control module is selected into a programming mode by the remote control using the laser transmitter (column 4, 56-60).

Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to incorporate the laser light transmitter and the light receiver as taught by Mullaly into the remote control and the lamp control modules, respectively, in the addressable system for light fixtures taught by Bansbach in order to make the remote control method easier and more intuitive.

Regarding claim 19, the modified system by Bansbach and Mullaly is inherently able to recall each of the plurality of lamp brightness values from the memory locations by receiving a command from the remote control unit.

Regarding claim 20, the Bansbach further teaches that the lamp control module has a plurality of storage memory location (fig. 9, 2).

Regarding claim 21, Bansbach further teaches that the system comprising a repeater module (fig. 1, 3 and 5) in electrical communication with the plurality of lamp control module (fig. 2, 8), the repeater having a command input sensor (fig. 1, 5), the repeater module can instruct the lamp control module to adjust

Art Unit: 2633

brightness of the lamp (column 4, lines 7-14), store the lamp setting data into a plurality of storage memory (column 4, lines 7-14); activate the plurality of lamp control modules into the programming mode through the electrical communication (fig. 2). Bansbach differs from the claimed invention in that Bansbach does not specifically teach that the repeater module having light sensor, a microprocessor and memory, instructions in the memory executing on the microprocessor operative to allow the repeater module to be selected for programming by the light sensor being in visual communication with the light source of the remote control; activate the plurality of lamp control modules into the programming mode through the electrical communication. However, Mullaly teaches a control module connected to the electrical devices having a light receiving sensor (fig. 3(b), 93), a microprocessor and memory (fig. 3(b), 92 and 94), instructions in the memory executing on the microprocessor operative to allow the control module to be selected for programming by the light sensor being in visual communication with the light source of the remote control (column 4, 56-60). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to incorporate circuitry of the control module as taught by Mullaly into the repeater module in the system for light fixtures taught by Bansbach in order to make the remote control method easier and more intuitive.

Regarding claims 22 and 23, as they are understood in view of the above 112 problem, the modified system by Bansbach and Mullaly differs from the claimed invention in that Bansbach and Mullaly do not specifically teach that

Art Unit: 2633

each of the lamp control modules having an address identifier stored and modified in the repeater's memory, the repeater module being electronically communicable with the lamp control modules having the same address identifier. However, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to integrate the capability that the repeater module and each of the lamp control modules having an address identifier stored and modified in repeater's memory, the repeater module being electronically communicable with the lamp control modules having the same address identifier in order to increase the flexibility for setting the light fixture system.

4. Claims 6-7, 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bansbach et al. (DE 37 19384 A1) in view of Mullaly et al. (U.S. Patent US 6,567,032 B1) and further in view of Bryde et al. (U.S. Patent US 6,169,377 B1).

Regarding claim 6, the modified system by Bansbach and Mullaly further teaches that the control module comprises a microprocessor (Mullaly, fig. 3(b) 92) and instructions stored thereon (Mullaly, column 9, line 65-67 and column 10, lines 1-37) for: allowing the track control module to be selected for programming by the remote control through the visual light receiving sensor (Mullaly, column 10, lines 16-24). The modified system differs from the claimed invention in that Bansbach and Mullaly do not specifically teach programming the control module using the remote control to store various settings in the memory; associating the plurality of lamp brightness levels in the memory with unique memory identifiers.

Art Unit: 2633

However, Bryde teaches programming the control module using the remote control to store various settings in the memory; associating the plurality of lamp brightness levels in the memory with unique memory identifiers (column 9, lines 1-67 and column 10, lines 1-31). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to incorporate the control circuitry taught by Bryde into the modified system by Bansbach and Mullaly in order to improve lighting control system having ability to quickly restore previous settings.

Regarding claim 7, Bansbach, Mullaly, and Bryde have been discussed above in regard to claim 6. Bryde further teaches the receiver module has electronics (fig. 10) and instructions stored thereon (fig. 10, 108), the instructions including: identifying a programming signal from the remote control (fig. 13, 1002); programming a functional effect for at least one track control module using the track repeater module (fig. 13).

Regarding claim 10, as it is understood in view of the above 112 problem, Bansbach teaches an addressable system for light fixtures (fig. 4), comprising: a plurality of control module (fig. 4, 1 and 7), each of the control modules in electrical communication with a lamp (fig. 4, 1); a remote control unit (fig. 4, the remote controller), the remote control unit operable to communicate with the plurality of control modules.

Bansbach differs from the claimed invention in that Bansbach does not specifically further teach the track control module having a visual light receiving sensor, a command receiver sensor, a visual programming indicating interface



Art Unit: 2633

and storage memory; the remote control having a visual light transmitter operable with the visual light receiving sensor of the plurality of control modules.

However, Mullaly teaches a method of directing communication between addressable electrical devices (fig. 1), including a lighting device (fig. 1, 10 and 18), using a remote controller. Mullaly further teaches the control module connected to the electrical devices having a command receiver (fig. 3(b), 96), a light receiving sensor (fig. 3(b), 93), a visual programming indicating interface (column 4, lines 43-47); the remote control unit having a command transmitter (fig. 2, (b), 66) and a visible light transmitter (fig. 2(b), 64 "optical transmitter"; Even though Mullaly does not explicitly teach that the "optical transmitter" is a visible light transmitter, but Mullaly teaches that the remote controller is a "pointing device, or pointer", see column 7, lines 28-30, this teaching strongly suggests that the optical transmitter is a visible light transmitter).

Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to incorporate the remote transmitter and receiver as taught by Mullaly into the addressable system for light fixtures taught by Bansbach in order to make the remote control method easier and more intuitive.

The modified system by Bansbach and Mullaly differs from the claimed invention in that Bansbach and Mullaly do not further teach that the control modules can be visually selected by the remote control unit allowing the storage memory in each of the plurality of control modules to store lamp control data. However, Bryde teaches to store the lamp control data in memory (column 3,

Art Unit: 2633

lines 56-60). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to incorporate the receiver unit with storage memory as taught by Bryde into the modified system by Bansbach and Mullaly in order to improve lighting control system for easy restoration of previous settings of the lighting system.

Regarding claim 11, as it is understood in view of the above 112 problem, the modified system by Bansbach, Mullaly and Bryde further teaches that the system can be programmed for the storage of lamp control data (Bryde, column 9, line 1-67, and column 10, lines 1-14). The modified system differs from the claimed invention in that Bansbach, Mullaly and Bryde do not specifically teach programming the plurality of control modules as a user selected group by the visual light transmitter of the remote control. However, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to program the plurality of control modules as a user selected group by the visual light transmitter of the remote control (Mullaly, fig. 1, 16) in order to simplify the programming procedure and save the programming time.

Regarding claim 12, Mullaly further teaches the control module connected to the electrical devices having a command receiving sensor (fig. 3(b), 96), a visual light receiving sensor (fig. 3(b), 93), a visual programming indicating interface (column 4, lines 43-47).

Regarding claim 13, as it is understood in view of the above 112 problem, the modified system by Bansbach, Mullaly and Bryde further teaches labeling each of the plurality of control module with a predefined address definition

Art Unit: 2633

(Mullaly, column 2, lines 61-67, column 3, lines 1-14); communicating simultaneously through the electrical communication lamp control data commands to the plurality of control modules have the predefined address definition through the repeater module (Bansbach, fig. 1); setting the lamp using the remote control for all of the plurality of control modules by addressing the repeater module (Bansbach, fig. 1); storing the lamp control data in storage memory (Bryde, column 3, lines 56-60) of each of the plurality of control modules when commanded by the repeater module (Bansbach, fig. 1).

Regarding claim 14, as it is understood in view of the above 112 problem, the modified system by Bansbach, Mullaly and Bryde further teaches that each of the control module in electrical communication with the repeater module having predefined address definition which can be visually selected and unselected for setting of the lamp using the visual light transmitter on the remote control (Mullaly, column 4, lines 56-60).

### ***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Art Unit: 2633

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-23 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/024096. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications claim at least one track control module, the track control module having a lamp, an infrared receiver, a visual light receiving sensor, a visual programming indicating interface, control electronics, a microprocessor, memory capable to store setting data; a remote control unit, having an infrared transmitter and a visual light transmitter; and wherein the track control module can be elected for programming by the visual light transmitter and the visual light receiving sensor, and can be programmed by the infrared transmitter.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lansing et al. (U.S. Patent Application Publication US 2001/0040805 A1) discloses a system for individual and remote control of spaced lighting fixtures.

Art Unit: 2633

Mosebrook et al. (U.S. Patent US 6,687,487 B1) disclose a repeater for transmission system for controlling and determining the status of electrical devices from remote locations.

Posa (U.S. Patent US 5,731,664) discloses an electrical switch load relocation apparatus. Posa further teaches that the signal for a remote control transmitter and receiver can be straightforwardly acoustic, supersonic, RF, IR and visible light.

Grange (U.S. Patent US 5,072,216) teaches a remote controlled tracking lighting system.

Gordin et al. (U.S. Patent US 4,712,167) disclose a remote control, movable lighting system.

Kleeman (U.S. Patent US 4,598,345) discloses a remote controlled illumination equipment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quan-Zhen Wang whose telephone number is (571) 272-3114. The examiner can normally be reached on 8:30 AM - 5:00 PM, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2633

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

qzw

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